



Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS
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Annual Report (2000)

MEMBERSHIP AND STAFFING OF THE BOARD

The Board of Bar Examiners administers the Wisconsin mandatory continuing legal education requirement, manages all bar admissions by examination and on reciprocity, and conducts character and fitness investigations of all candidates for admission, including those seeking admission by diploma privilege. The membership of the Board in 2000 was as follows:

| | | |
|----------------------|------------|------------------|
| Gerald J. Thain | Madison | Chairperson |
| Howard B. Eisenberg | Milwaukee | Vice-Chairperson |
| Kathryn R. Anderson | Madison | |
| Ruth S. Downs | Madison | |
| Harry Maier | DePere | |
| Robert B. L. Murphy | Madison | |
| James P. O'Brien | Chicago | |
| Mary L. Staudenmaier | Marinette | |
| Hon. Eric J. Wahl | Eau Claire | |

By order of February 1, 2000, the Court named the following former members of the Board of Bar Examiners to interim appointments: Atty. Ruth S. Downs, to expire on December 31, 2001; Atty. Kathryn R. Anderson, to expire on December 31, 2002; and Atty. Robert B. L. Murphy, to expire on December 31, 2002. On April 20, 2000, the Court amended SCR 30.01(1) to increase the members of the Board of Bar Examiners from nine to eleven, increasing to three those being selected from the public at large. On December 29, 2000, the Court named the two new public members, appointing them for three-year terms commencing January 1, 2001.

At the close of the year, the terms of three Board members expired. Harry Maier and Hon. Eric J. Wahl were eligible for reappointment to additional three-year terms, and the Court so reappointed them. Prof. Gerald J. Thain, whose second term expired December 31, 2000, had served two terms and was ineligible for reappointment. The Board elected Dean Howard B. Eisenberg as its Chairperson and Atty. Mary L. Staudenmaier as its Vice-Chairperson for 2001.

In 2000 the staff of the Board included the following persons:

| | |
|---------------------|---|
| Gene R. Rankin, | Director |
| Ruth Janto-Wolter, | Deputy Director |
| Beth Bowen-Mueller, | Bar Application Manager (Bar Exam) (to April 7, 2000) |
| Jill Remy, | Bar Application Manager (Bar Exam) (from May 15, 2000) |
| Nancy Nickel, | Bar Application Manager (Diploma Privilege) (to April 5, 2000) |
| April Hegge, | Bar Application Manager (Diploma Privilege) (from May 8, 2000) |
| Jack Pace, | Character and Fitness Administrator (to April 17, 2000) |
| Jennifer Cramer, | Character and Fitness Investigator (from April 10, 2000) |
| Tammy McMillen, | CLE Records Manager |
| Diane Knipfer, | Course Approval Coordinator (75%) |
| Rebecca Ham | Program Assistant (to November 17, 2000) |

FUNDING SOURCES

The mandatory continuing legal education requirement was funded in fiscal year 2000 by an annual assessment of lawyers on active and inactive status per the State Bar of Wisconsin records who paid \$11.50 and \$5.75, respectively. In addition, the Board realized revenue from late filing fees and reinstatement fees authorized by the Court, and from miscellaneous fees (copying, duplicate admissions certificates, past examination sales, etc.).

The bar admissions portion of Board responsibilities continued to be entirely self-funding. The fee authorized by the Court increased as of September 1, 2000. For taking the Wisconsin Bar Examination, the fee increased from \$375.00 to \$450; for filing an application for admission on proof of practice elsewhere (reciprocity), the fee increased from \$725.00 to \$850; for diploma privilege character and fitness ("C&F") certification, the fee increased from \$175.00 to \$210.00, the admission fee increased from \$60.00 to \$100.00; and late fees for admissions were doubled. Revenues shown are actual revenues; they include all late filing fees and do not include 2000 fees received in 1999.

CALENDAR 2000 MAJOR INCOME SOURCES

| <u>CLE</u> | <u>Amount</u> |
|----------------------------------|----------------------------|
| Revenue received from assessment | \$182,190.00 |
| Late fees received @ \$50 (558) | \$ 27,900.00 |
| Reinstatement fees @ \$100 (45) | \$ 4,500.00 |
| Readmission fees @ \$200 (21) | <u>\$ 4,200.00</u> |
| TOTAL | <u>\$218,790.00</u> |

| <u>Bar Admissions</u> | <u>Amount</u> |
|--|---------------------|
| Bar examination filing fees (203) | \$ 80,594.00 |
| Reciprocity filing fees (94) | \$ 63,520.00 |
| Admission fees (636) | \$ 43,600.00 |
| Diploma privilege C&F investigation fees (441) | <u>\$ 96,980.00</u> |
| TOTAL | <u>\$284,694.00</u> |

MANDATORY CONTINUING LEGAL EDUCATION

The 2000 calendar year was the year in which reports concerning compliance with the 1999-00 Wisconsin mandatory continuing legal education (CLE) requirement, including the legal ethics and professional responsibility (EPR) requirement, were collected. Of the 7,361 lawyers admitted to practice law in Wisconsin in even-numbered years who were obligated to comply with the requirement, 147 (1.997%) were ultimately suspended. Of the 2545 lawyers who have been suspended for noncompliance since the inception of the program in 1977, 1,337 remained suspended at the end of calendar 2000.

In 2000, lawyers again had a wide range of educational activities from which to select. General program approval, the annual institutional approval available to CLE sponsors, was extended to 43 organizations. In addition, 6,431 activities were approved on a course-by-course basis, which was an increase of 14.9% from the previous year. 1,829 activities were approved for ethics and professional responsibility (EPR), an increase of 14.2%. Individual approval was extended to 13 courses. 13 Judicial Education courses were approved, which was a decrease of 38% from the previous year. The Board began to grant approval to *Guardian ad litem* (GAL) courses in 1999, and approved 138 courses for GAL credit in 2000, which was an increase of 45.3% from the previous year.

The total number of all CLE activities sited in Wisconsin was 3,335, an increase of 17.3% from the previous year. Approval was denied in 63 cases (down from 82), and EPR approval was denied in 230 cases (down from 291). Principal reasons for denial of approval were the absence of written materials or the program content.

BAR ADMISSION

Diploma Privilege. The Board received 441 applications for character and fitness certifications from prospective graduates of the University of Wisconsin and Marquette University law schools under SCR 40.03 and 40.06. This represents a 3.1 % increase over the 428 applications filed in the previous year. 356 were certified to the Court for admission in 2000, which number includes those who graduated in 1999 but who were not certified until the following year. This represents a 14.8% decrease over the 418 applicants admitted in the previous year. Two files were closed by Board action, for the reason that the applications were made after the deadlines set by SCR 40.09.

Wisconsin Bar Examination. The Board administered two bar examinations in 2000 to a total of 246 applicants. This represents a 0.8% increase over the 244 applicants in the previous year. Statistical information is as follows:

| <u>2000 Wisconsin Bar Examinations</u> | <u>Feb. 00</u> | <u>July 00</u> | <u>Total</u> |
|--|----------------|----------------|--------------|
| Applicants Writing Examination | 81 | 165 | 246 |
| Successful Examinees | 71 (88%) | 122 (74%) | 193 (78%) |
| First-Time Takers | 74 | 150 | 224 |
| Successful First-Time Takers | 68 (92%) | 116 (77%) | 184 (82%) |

One July 1999 examinee sought a waiver of the passing score on the bar exam, was denied a waiver by the Board, and appealed that denial to the Court. The Court upheld the Board's decision denying that waiver.

Admission on Reciprocity. In addition, the Board administered the rules for admission on reciprocity. In 2000 the Board received 94 applications under SCR 40.05. 9 pending applicants subsequently withdrew (the most common reasons for withdrawal were inability to satisfy the reciprocity requirement or inability to meet the durational requirements of the relevant rules) and the files of two were closed for lack of response. Five previously-certified applicants' certifications lapsed, for the reason that they failed to be sworn in within a year of certification. The principal source jurisdictions continued to be Minnesota and Illinois.

Actual Admission.

| <u>Type of Admission</u> | <u>Year of Admission</u> | | | | | <u>Change Since 1999</u> |
|--------------------------------|--------------------------|-------------|-------------|-------------|-------------|------------------------------|
| | <u>1996</u> | <u>1997</u> | <u>1998</u> | <u>1999</u> | <u>2000</u> | |
| Admission by Examination | 267 | 248 | 234 | 221 | 183 | (-17.2%) |
| Admission on Reciprocity | 96 | 76 | 96 | 117 | 97 | (-17.1%) |
| Admission by Diploma Privilege | <u>410</u> | <u>398</u> | <u>382</u> | <u>418</u> | <u>356</u> | (-14.8%) |
| TOTAL | 773 | 722 | 712 | 756 | 636 | (-15.9%) |

The Board held two hearings in 2000, at the request of applicants who had been notified of the Board's intent to deny their admission on character and fitness grounds. These applicants demonstrated to the Board, pursuant to the requirements of SCR 40.08 (2), that there were facts bearing on the applicant's case that could not be presented in writing.

The Board denied admission to two applicants in 2000. Both were candidates for admission by diploma privilege, and were denied admission for character and fitness reasons. One person denied admission in 2000 appealed that denial, which appeal is pending.

The Board also carried out the following actions, granting, denying, or accepting withdrawals, as appropriate:

| | |
|--|----|
| Reinstatements (other than SCR Chapter 31) | 21 |
| Readmission following voluntary resignation from the bar | 6 |
| Name changes | 75 |

Respectfully submitted,

Gene R. Rankin, Director
Board of Bar Examiners

grr